

**LABORATORY CERTIFICATION STANDARDS REVIEW COUNCIL
MEETING MINUTES FROM 12/14/2000**

Attendance

Council Members: George Bowman, Debbie Cawley (Chair), Paul Junio, David Kollakowsky (Vice Chair), Marcia Kuehl, Ruth Klee Marx (All by Phone)

DNR Staff: Diane Drinkman, Rick Mealy, Greg Pils, Alfredo Sotomayor and Phillip Spranger (All in Person)

Guests: Carol Mielke (Madison Metropolitan Sewerage District) (By Phone)

Summary and Action Items

At this meeting the Certification Standards Review Council:

- Repaired and approved the previous meeting's minutes.
- Repaired the motion from the September meeting that set the terms of Chair and Vice Chair at three years by setting the terms of council officers at one year as prescribed in statute.
- Discussed the selection of a Council Secretary, which is required by statute, but deferred action until the next meeting.
- Concurred with the Department's approval of a new list of reference sample providers.
- Discussed the Wisconsin Environmental Laboratories Association's (WELA) resolution removing support for the Department's NELAC legislation.
- Tentatively scheduled to meet on Thursday, February 15, 2001. (Time and location TBA.)
- Correction/Omission: Ruth Klee Marx's e-mail address was omitted from the Council member contact sheet previously distributed. Her e-mail address is rkmarx@mail.co.marathon.wi.us.

Agenda Items

I. Approval of August 26, 1999 Meeting Minutes

- A. Two dates were corrected in the minutes of the September 28, 2000 meeting. The date on page 1, under I. A., is changed from February 10, 2000 to May 18, 2000. The date on page 5, under XI. B., is changed from February 15, 2000 to February 15, 2001.
- B. George Bowman noted that an item was omitted from the minutes of the September 28, 2000 meeting under "VIII. NELAC VI Update..." The following paragraph is added as Agenda Item VII. B. 4:
- "The council discussed the Program's decision to delay commercial laboratory audits under NR 149 until the status of Wisconsin's NELAC legislation is determined. This approach will minimize having to re-visit labs after Wisconsin becomes a NELAC accrediting authority. It was noted that even if everything goes smoothly with the legislation, the new accreditation program would not be implemented until August of 2001."
- C. Dave Kolakowsky made a motion to approve the minutes as corrected. The motion was seconded by Marcia Kuehl and the minutes were unanimously approved.

II. Repair Motion Setting Council Officer's Terms at Three Years

- A. At its September 28, 2000 meeting the Council appointed officers to terms of three years. Program staff summarized the statutory requirements: Selection of officers is covered under 15.09(2) Wis. Stats. and is to occur at the "first meeting in each year." In statute and administrative rule, "year" always means calendar year. Therefore, each year the Council must elect officers at its first meeting.

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- B. Marica Kuehl made a motion to “Overturn the motion setting officer’s terms at three years and to set officer’s terms at one year beginning with elections to be held at the Council’s first meeting in each year.” Ruth Klee Marx seconded the motion and it passed unanimously.

III. Council Secretary

- A. Phillip Spranger read the language from 15.09(2) Wis. Stats. that states “every council shall elect a chairperson, vice chairperson and secretary from among its members.”
- B. Council members were concerned that being the recording secretary for Council meetings would not allow that individual to be actively engaged in Council meetings. Phillip Spranger reported that the statutes do not assign specific duties to any of the council officers. In practice, the Department assigns a liaison the duties of organizing meetings and taking minutes. In this case the liaison is Mr. Spranger.
- C. Debbie Cawley stated that she was totally comfortable with the job the Department has been doing in staffing the Council. Council members agreed. Action to elect a Council member to serve as secretary was deferred to the next meeting, which is the first meeting of 2001 and consistent with the statutory requirement.

IV. Updated List of Reference Sample Suppliers

- A. Diane Drinkman gave a presentation on the process used to evaluate reference sample providers. Council members were provided a handout summarizing the process. The Department is directed by NR 149.13(1) Wis. Admin. Code to seek the advice of the Council prior to approving reference sample providers.
- B. Major points of the presentation included:
 - 1. Three of the providers can supply GRO, DRO and PVOC reference samples in addition to the Wisconsin State Laboratory of Hygiene.
 - 2. One provider met our requirements for providing dioxin drinking water samples.
 - 3. There is still some contention regarding Data Monitoring Report Quality Assurance (DMR-QA) study providers. Several of the providers of DMR-QA study samples are not approved for Wisconsin certification. Labs that are required to do DMR-QA may not be able to use the results for Wisconsin certification, depending upon the provider they choose.
 - 4. Twelve national providers received applications; seven of these submitted completed applications. Grading criteria included: ability to provide results in a specified format, including electronically; capacity for meeting Wisconsin specific requirements; adequacy of study designs, soundness of QA/QC practices; and establishment of a complaint resolution process.
 - 5. Seven companies met approval criteria. Two providers previously approved to supply reference samples, New York State Department of Health (NYSDOH) and Analytical Standards Inc., did not submit applications and cannot be approved.
 - 6. Letters will be sent to the providers notifying them of their status.
- C. Council members discussed the issue and inquired whether the new list would be communicated to laboratories and whether they would be notified that some of the DMR-QA study providers could not be used for Wisconsin certification. Diane Drinkman responded that a mailing would be sent to all labs. Only labs that are required to do DMR-QA would receive the letter outlining the special DMR-QA requirements.
- D. Paul Junio made a motion to “Recommend the Council’s concurrence with the November 28, 2000 reference sample provider list.” David Kollakowsky seconded the motion and it carried unanimously.

V. Additional Discussion Relating to Reference Samples

- A. The discussion of reference sample providers led into a general discussion of reference sample requirements and NR 149 revisions. David Kollakowsky questioned whether the requirements for obtaining test category 04-physical could be changed. Currently, a lab wishing to be certified for test category 04-physical is only required to pass a total suspended solids reference sample. Both Mr. Kollakowsky and Paul Junio would like to see a

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study (i.e., reference samples) required of labs wishing to perform method 1664 analyses. Program staff noted that NR 149 would have to be revised to implement this change.

- B. Council members expressed interest in starting a “shopping list” of changes to NR 149. The Council will start keeping a running list of NR 149 revisions at future council meetings.

VI. Other Business – WELA’s Withdrawal of Support for the Department's NELAC Legislation

- A. Alfredo updated the Council on the Wisconsin Environmental Laboratory Association’s (WELA) withdrawal of support for the Department’s NELAC legislation. A resolution to this effect was passed at WELA’s November 2, 2000 meeting. WELA objected to a provision in the current legislative proposal that allows municipal labs to do work for each other, in categories specified by Code, without becoming accredited by WELAP. This provision was included to prevent municipalities from blocking the legislation. WELA knew of this and had previously endorsed the proposal with reservations, but now made an issue of it. Alfredo noted that WELA seems philosophically opposed to a two tiered system and had some concerns about NELAC implementation nationally.
- B. Paul Junio noted that not all WELA labs supported the resolution. Also, the issue was added to the agenda on short notice—the week of the meeting—and some members were on the way to NELAC VIi in Las Vegas, Nevada, leaving them unable to comment. TestAmerica will send a letter explaining its position to Secretary Meyer.
- C. Council members wondered whether this development will affect getting a legislative sponsor for a Wisconsin NELAC program. Alfredo indicated that the Program’s Administrators have not removed support for the proposal yet, but have doubts and are leaning towards removing the legislation. A decision is expected before the end of the year.
- D. George Bowman inquired as to whether the Program has considered using the provision in NR 149 that allows acceptance of third party accreditation to accept NELAC accredited labs if WELAP does not pass. Alfredo noted that we may need a closer reading of the statute, but in the past reciprocity has tied this up. NELAC states will not accept Wisconsin certification so we can’t accept NELAC state accreditation.
- E. There was extensive discussion of the WELA resolution and its effects on the Lab Certification Program. A member noted that WELAP’s future being so gloomy, it was important to keep performing NR 149 audits. Some Council members felt that since the decisive factor seemed to have been competition between municipal and commercial labs, maybe an economic analysis of the financial implications of not pursuing WELAP would sway WELA.
- F. Keeping a list of NR 149 revisions was briefly discussed. Alfredo noted that the Program has not been authorized to pursue any changes at this time and has been cautioned about trying to create a NELAC program through the “back door”. It might be possible to take some good aspects of NELAC and incorporate them into NR 149, but how far we go will depend on what the Program’s Administrators want to do and on the advice the Council gives us.

VII. Other Business – Ruth Klee Marx’s E-mail Address

- A. Ruth Klee Marx noted that her e-mail address was omitted from the Council member contact list that was distributed prior to the last meeting. Her e-mail address is rkmarx@mail.co.marathon.wi.us.

VIII. Future Meeting Dates

- A. A face-to-face meeting is scheduled tentatively for Thursday, February 15, 2001, time and location to be announced. The agenda includes: election of Council officers; discussion of the Program’s Fiscal Year 2002 budget and fees; and an update on the Department's position on the WELAP legislative proposal. Please forward additional agenda items through Phillip for the consideration of the Chair and Vice-Chair.
- B. A motion to adjourn was made by Marcia Kuehl, seconded by David Kollakowsky and carried unanimously.